

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
AUGUST 12, 2010
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	THOMAS S. NOVAK, JR.	ABSENT (excused)
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	JOHN N. PASQUALE, JR.	PRESENT

Town Manager, John Giles – Present
Town Solicitor, Edward McNally – Absent
Chief Scott McLaren – Present

PUBLIC COMMENT:

None

APPROVAL OF MINUTES:

Mayor and Council considered the approval of the Minutes of the June 22, 2010 Special Council Meeting, June 23, 2010 Special Council Meeting, June 24, 2010 Special Council Meeting, July 7, 2010 Special Council Meeting and the July 8, 2010 Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the

following without any corrections, the Minutes of the June 22, 2010 Special Council Meeting, the Minutes of the June 23, 2010 Special Council Meeting, the Minutes of the June 24, 2010 Special Council Meeting, the Minutes of the July 7, 2010 Special Council Meeting, and the Minutes of the July 8, 2010 Council Meeting. The motion was seconded by Councilman Pasquale.

VOTE:

6 – 0, with 1 – Absent

Motion carried

OLD BUSINESS:

Mayor and Council considered for Third and Final Reading as well as a Public Hearing of Ordinance 517.

An Ordinance officially adopting the 2010 update of the 2004 Comprehensive Plan.

Councilman Pasquale read the synopsis of Ordinance 517.

ACTION: A motion was made by Councilman Pasquale to approve Ordinance 517 for Third and Final Reading. The motion was seconded by Councilman Burg.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered for Third and Final Reading as well as a Public Hearing of Ordinance 518.

An Ordinance authorizing Police Officers and the Town's Code Enforcement Officers to enforce Chapter 215 of the Code of the Town of Elsmere "Vehicles & Traffic".

Councilman Pasquale read the synopsis of Ordinance 518.

ACTION: A motion was made by Councilman Pasquale to approve Ordinance 518 for Third and Final Reading. The motion was seconded by Councilwoman Personti.

Councilwoman Personti asked Chief McLaren if he had any concerns regarding Ordinance 518.

Chief McLaren responded that he sees it as a benefit to the Police Department. He further stated he foresees it as a win-win for the Police and Code Departments.

Mayor Norkavage expressed her concerns regarding the enforcement of parking in front of driveways. She further asked if it would be at the homeowners or businesses request that the vehicle would then be ticketed.

Chief McLaren explained when the complaint comes in it is usually an unknown driver of the vehicle that is blocking someone's driveway. In those situations the vehicle would be ticketed and towed right away.

Town Manager, John Giles stated the Code Officer would issue the summons in this particular situation.

Councilman Pasquale questioned if vehicles would be ticketed if they were parked in front of fire hydrants.

Mr. Giles responded yes they would be ticketed.

Councilman Jaremchuk stated he thinks it should be based upon complaint driven if parked too close to a driveway. He further stated a summons should not be given if it is the homeowner.

Mr. Giles reported the Code states you can't park within five (5) feet of an entrance to a driveway on each side. He further agreed to Councilman Jaremchuk's request as far as being complaint driven and the Code Officers would be directed accordingly.

Mayor Norkavage asked if there were areas in the Town where curbs need to be repainted.

Mr. Giles responded yes there are and that Public Works has a deadline for doing so.

Mayor Norkavage asked how bad of an impact would there be regarding the vehicles being ticketed.

Mr. Giles responded if they are in violation then they will get a summons.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered for Third and Final Reading as well as a Public Hearing of Ordinance 519.

An Ordinance amending Chapter 131 of the Code of the Town of Elsmere “Business Licenses”.

Councilman Jaremchuk read the synopsis of Ordinance 519.

ACTION: A motion was made by Councilman Jaremchuk to approve for Third and Final Reading of Ordinance 519. The motion was seconded by Councilman Pasquale.

Councilwoman Personti asked if this was advertised to the business community.

Mr. Giles responded that it had not been advertised.

Mayor Norkavage questioned what criteria would be taken into consideration in determining the amount of fines that would be issued.

Mr. Giles stated we always assess the minimum fine, but if it goes to court the judge has the discretion for assessing the maximum.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered for Third and Final Reading as well as a Public Hearing of Ordinance 520.

An Ordinance amending Chapter 182 of the Code of the Town of Elsmere “Rental Fees”.

ACTION: A motion was made by Councilman Jaremchuk to approve for Third and Final Reading of Ordinance 520. The motion was seconded by Councilman Pasquale.

Councilwoman Personti asked if this has been relayed to the apartment complexes.

Mr. Giles stated that is was not.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered for Third and Final Reading as well as a Public Hearing of Ordinance 521.

An Ordinance requiring the registration and payment of fees for vacant properties.

Councilwoman Personti read the synopsis for Ordinance 521.

ACTION: A motion was made by Councilwoman Personti to approve for Third and Final Reading of Ordinance 521. The motion was seconded by Councilman Pasquale.

PUBLIC COMMENT:

Mr. David Lilly of 8 Spruce Avenue questioned what defines a vacant property.

Mayor Norkavage read for the record the definition of a vacant property as defined in Ordinance 521.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Councilwoman Personti stated for the record that the Ordinances that were passed this evening that dealt with increases were researched by the Town staff who found our fees were much lower than other municipalities located within the State.

Mayor and Council considered for Third and Final Reading as well as a Public Hearing of Ordinance 522.

An Ordinance expanding the use of the “Instant Ticket” program from the Property Maintenance Code to other sections of the Code.

Councilman Pasquale read the synopsis of Ordinance 522.

ACTION: A motion was by Councilman Pasquale to approve for Third and Final Reading of Ordinance 522. The motion was seconded by Councilman Burg.

Councilwoman Personti expressed her concerns regarding Ordinance 522 in reference to topics that are listed which do not include the public health of the Town that makes it an emergency type situation. She further stated she has concerns about the proper discretion if this were to go into effect regarding the removal of snow and ice.

Mr. Giles reported under our current Codes, the Code Office could site somebody on the first day and go to the Magistrates Court and get a warrant. The 72 hours under the “Instant Ticket” would give the individual three (3) days to rectify the situation, or get in touch with us. They would also have the opportunity to appeal to the Board of Adjustments. He further stated he will monitor how this is enforced and that it will not become an abuse issue.

Councilwoman Personti stated she does see a benefit of it becoming a civil violation as opposed to a criminal violation, but also feels that some issues should be treated as criminal violations.

Mayor Norkavage stated these are basically quality of life issues.

Mr. Giles explained these were the issues that the Code Office thought would benefit us out of the thousands of Codes we currently have.

Code Officer Brian Swift stated the individuals who receive the “Instant Tickets” respond back to the Code Office, whereas, individuals who receive “Code Violations” usually don’t respond back.

VOTE:

6 – 0, with 1 – Absent

Motion carried

NEW BUSINESS:

Mayor and Council considered the proposals for Audit Services and possible awarding of contract.

Finance Director, Joseph Schulcz gave an overview of the proposals that were received.

ACTION: A motion was made by Councilman Jaremchuk to award the Audit Services contract to Haggerty & Haggerty for the years 2011, 2012 and 2013. The motion was seconded by Councilman Pasquale.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered Resolution 10-12.

A Resolution authorizing the extension of the parking area on the south curb of Ruth Road.

ACTION: A motion was made by Councilwoman Personti to approve the Revised Resolution 10-12. The motion was seconded by Councilman Jaremchuk.

Councilwoman Personti read the synopsis of Revised Resolution 10-12, which basically revises the parking time from twenty (20) minutes to thirty (30) minutes.

Councilman Burg requested for Resolution 10-12 to be revisited.

At this time discussion occurred regarding the time frame.

Councilman Burg called the question.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered for First and Second Reading of Ordinance 523.

A Ordinance amending Chapter 155 of the Code of the Town of Elsmere concerning the use of Town parklands.

ACTION: A motion was made by Councilman Jaremchuk to consider for First and Second Reading of Ordinance 523. The motion was seconded by Councilman Burg.

VOTE:

6 – 0, with 1 – Absent

Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement:

Mr. Giles reported we are looking into hiring a part-time employee in the Code Department very shortly.

Finance:

Mr. Giles expressed his concerns regarding issuing a financial report based on what our records say or do we wait until all the bank reconciliations are done. He further stated he believed the report should be issued after all the bank reconciliations have been completed, but Finance Director, Mr. Schulcz has a different opinion since he believes our records are so good and it wouldn't matter since they would match what the bank has.

Mayor and Council agreed they would prefer the financial reports be issued before the Council Meetings, therefore if there are any concerns it could be discussed at that particular meeting.

Councilman Burg requested to have a financial impact report on the transfer taxes for next month's meeting.

Mr. Giles replied they would have a report or an explanation for the next Council Meeting.

Public Safety:

Chief McLaren reported he is working on a format for his monthly reports. He further reported they are in the process of purchasing a new Crown Victoria for the Police Department, and the Tahoe should last him another year. The speed trap is located on Rt. 2. The Police Department did receive furniture from the Wilmington University, and requested Mayor Norkavage to send a thank you note to them for their generosity. He would like to meet with Mayor and Council individually and requested if everyone could send him an email of when a good time would be to meet with him. The NCC Police will let us use their report card that would show crime statistics. They are also allowing us access to their portal which supplies different data bases.

Councilman Jaremchuk stated a while back we narrowed access to the Town Solicitor through the Town Manager. He continued on to make the following motion.

ACTION: A motion was made by Councilman Jaremchuk to allow Chief McLaren the same direct access to Town Solicitor, Edward McNally, as Town Manager, John Giles has. The motion was seconded by Councilman Pasquale.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Town Manager's Report:

Mr. Giles reported we are required to obtain certain copyright licensing to the movies and even the music that we use. These license have been applied for and should be received shortly.

Mr. Giles reported the Adrenaline Skating Center closes Sunday.

Mayor Norkavage asked if there would be adequate police coverage for this day.

Chief McLaren replied that he would have extra police coverage and NCC will be on standby.

Councilman Burg reported that the Riverfront is also having Movies in the Park in August. He further stated they pay \$1,800.00 to rent the equipment, and suggested we may want to look into renting our equipment out with the stipulation that our employees set it up, and to charge a fee of \$1,000.00.

Mr. Giles gave an update on 2 Elsmere Boulevard which is actually falling down. He further stated it might get to the point where it would have to be knocked down which there would also be expenses involved in this process.

Mr. Giles reported on the following: The Charter change for the Election has been signed by the Governor. The Senior Officials Workshop is underway.

Councilwoman Personti brought up the issue that Delaware City may possibly be amending the recently passed Election Law.

Mr. Giles stated if a law changes we would simply just change an Ordinance. He stated it would be looked into further.

Mr. Giles stated for future showing for the Movies in the Park, it will be narrowed down to Vilone and Fairgrounds Parks.

Mayor and Council verbally consented to the aforementioned regarding the Movies in the Park future events.

Mr. Giles reported he would be on vacation next week and on August 27, 2010 he will be having his first of two much needed knee surgeries.

Mayor Norkavage gave an update of the Finance Committee Meeting that took place regarding Bond issues.

PUBLIC COMMENT:

Mr. David Lilly of 5 Spruce Avenue thanked the Town, Mayor and Council for bringing FIOS into the Town. He further commented the links to the email addresses on the Town's website were not working as of earlier today. He further commented about the evacuation that occurred at the day care center behind Serpe's Bakery during the flood in July.

Mayor Norkavage stated it would be advantageous to the Town and Council if liaisons were eliminated. She feels it could be contrary to parts of the Charter which deeply concerns her. At this time, she announced she would like to eliminate all liaisons positions.

Councilman Jaremchuk stated that would be a decision for full Council.

Town Solicitor, Edward McNally reported a Council vote would be needed due to them being enacted by the Mayor and Council.

Councilman Jaremchuk explained the purpose of liaison is to act like an advocate for that particular department when reporting to Council.

Councilman Pasquale felt the Town was small enough where liaison positions would not be needed.

Councilwoman Personti requested an example of how having a liaison would be so detrimental.

Mayor Norkavage explained she doesn't see how liaisons are of any use. She further stated she doesn't feel they function for any reason other than the possibility other than to say this was an Ordinance that deals with a particular department.

Councilman Jaremchuk commented a liaison is basically being an advocate for a particular department.

For the record Councilman Burg withdrew himself as liaison to the Finance Department. He further stated he goes through the Town Manager for any information he may need that pertains to the Finance Department.

Councilman McKewen stated he was the liaison for the Public Works Department, and nobody ever contacts him except for the Town Manager.

At this time a discussion occurred regarding the pros and cons of whether or not to continue having liaisons for each department.

At this time Councilman Jaremchuk resigned as liaison to the Public Safety Department, and Councilman Pasquale resigned as liaison to the Code Department.

ACTION: A motion was made by Councilman Jaremchuk to do away with liaisons. The motion was seconded by Councilman Burg.

Councilman Jaremchuk called the question.

VOTE:

1st District Councilman Jaremchuk – Yes, 2nd District Councilman Burg – Yes, 3rd District Councilman Novak – Absent, 4th District Councilman McKewen – Yes, 5th District Councilwoman Personti – No, 6th District Councilman Pasquale – Yes, Mayor Norkavage – Yes

VOTE: 5 – 1, with 1 – Absent

Motion carried

ADJOURNMENT:

ACTION: A motion was made by Councilman Jaremchuk to adjourn. The motion was seconded by Councilwoman Personti.

VOTE:

6 – 0, with 1 – Absent

Motion carried

The meeting was adjourned at 8:11 p.m.

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

**DEBORAH A. NORKAVAGE
MAYOR**

**JOANN I. PERSONTI
SECRETARY**